

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ALEXANDER STROSS,

Plaintiff,

v.

REDFIN CORPORATION,

Defendant.

Case No.: 1:15-cv-223-SS

**EXPERT REPORT OF
THOMAS R. VARNER, PH.D.**

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presence on its website as of April 15, 2015.³⁵ The second set involves the use of selected Plaintiff's photographs for five properties that the Plaintiff notified Redfin about in November 2015, which were removed from Redfin's website after Redfin was notified of their presence on its website. Among this second set, three of the properties were sold properties at the time of their use by Redfin on its website and two were active listings.

38. Exhibit 4 is a summary of the listing brokers for each of the subject 125 properties and Exhibit 8 is a summary of the buying brokers for each of the subject 125 properties. Exhibits 4 and 8 show that Redfin was never the listing broker or buyer's broker for any of the subject properties. Thus, Redfin never earned any commissions, or any other revenues, from the sale of the subject properties.

39. Among all of the registered Redfin users who viewed any of the accused photographs of the subject 125 properties, four users eventually purchased a property (*i.e.*, not one the subject properties) with Redfin.³⁶ Exhibit 7 is a list of these four properties along with the sales price and Redfin's commission as the buyers' broker. Exhibit 7 shows that Redfin earned total commissions of \$39,890 on the sale of these homes, and earned a gross margin of \$14,488.

³⁵ *Declaration of David Stenhouse*, 7/16/15, ¶¶ 6-8, pp. 2-3.

³⁶ *Defendant Redfin Corporation's Supplemental Objections and Responses to Plaintiff Alexander Stross' Interrogatories and Requests for Production*, 9/22/15, p. 20, Supplemental Response to Interrogatory Number 11, "The following for Central Texas Website Clients viewed sold property photographs by Stross prior to consummating a sale which resulted in a commission payable to Redfin: Audrey Rauscher, Jim Reaver, Joe McGill, Uriel Bach."


H. The *Kemmerer Expert Reports* Use of a Reasonable Royalty Using a per Photograph Basis As Opposed to a Set of Photographs for Property Basis Is Not Supported by the Facts in This Case

84. Mr. Kemmerer calculates a reasonable royalty fee based on a per photograph basis. As I discuss in the previous sections, a reasonable royalty would almost certainly be a fee-per-property basis rather than a fee-per-photograph. The invoices the Plaintiff produced in this matter show that architectural photography services for non-MLS uses often involve much higher fees and typically involve fewer photographs. Thus, Mr. Kemmerer's inclusion of fees for non-MLS architectural photography services distorts the fees for photography services for MLS uses on a per photograph basis.

VI. SIGNATURE

I declare under penalty of perjury that the forgoing is true and correct.

Executed on January 29, 2016, in Oakland, California.



Thomas R. Varner, Ph.D.

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Exhibit 4: Properties with Accused Photographs

| Ref # | Subject Property | Stross listing | Submitted to ACTRIS by | Licensing terms (uses and length) | Fee | Invoice | Oral |
|-------|---------------------------------|----------------|--|---|------------------------------|---------|------|
| 1 | 44 Pascal Ln 78746 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 800 | n/a | n/a |
| 2 | 101 Brandon Way 78733 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 750 | 138 | n/a |
| 3 | 103 Canyon Lookout Ln 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 4 | 104 Silverado Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 5 | 105 Cactus Bend Cv 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 6 | 109 Spanish Oak Dr 78628 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 7 | 116 Skyline Dr 78746 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 750 | 139 | n/a |
| 8 | 201 Woodland Park 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 9 | 205 Canyon Vista Ln 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 10 | 205 Rowland Dr 78745 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis sale of personal home | n/a | yes |
| 11 | 208 Copper Leaf Ct 78633 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 300 | n/a | no |
| 12 | 428 Baldridge Dr 78748 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 1699 | 135 | n/a |
| 13 | 501 Brandon Way 78733 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 800 | n/a | n/a |
| 14 | 711 Oxford Dr 78660 | Y | Jennifer Mehis or Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 15 | 950 Goldenrod St 78640 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 16 | 1109 Hidden Glen Dr 78681 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 17 | 1109 W 9th St 78703 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 18 | 1205 Taulbee Ln 78757 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 19 | 1379 Heep Run 78610 | N | Listing agent or broker representative | Listed by wife using new home marketing service On market MLS only and according to MLS rules regarding sales comparables | gratis | n/a | yes |
| 20 | 1493 Heep RUN 78610 | N | Listing agent or broker representative | Listed by wife using new home marketing service On market MLS only and according to MLS rules regarding sales comparables | gratis | n/a | yes |
| 21 | 1500 Laurel Oak Loop 78665 | N | Listing agent or broker representative | No license - infringement | n/a | n/a | no |
| 22 | 1521 Heep Run 78610 | N | Listing agent or broker representative | Listed by wife using new home marketing service On market MLS only and according to MLS rules regarding sales comparables | gratis | n/a | yes |
| 23 | 1610 Ridgemont Dr 78723 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 717 | 128 | n/a |
| 24 | 1804 Palmwood Cv 78757 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 1920 | n/a | n/a |
| 25 | 1807 Briarton Ln N 78665 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 26 | 1807 Kendra Cv 78757 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 2390 | 135 | n/a |
| 27 | 1911 Outwood Mill Ln 78744 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis sale of personal home | n/a | n/a |
| 28 | 1915 Wooten Dr 78757 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis sale of personal home | n/a | no |
| 29 | 2209 Euclid Ave 78704 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 3690 | n/a | yes |
| 30 | 2405 Grapevine Canyon Trl 78641 | Y | Jennifer Mehis or Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 31 | 2420 Lipizzan Dr 78732 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis | n/a | no |
| 32 | 2504 Twin Oaks Dr 78757 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 33 | 2606 Woodmont Ave 78703 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 750 | 136 | yes |
| 34 | 2629 Niemann Dr 78748 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 3101 | 135 | yes |
| 35 | 2717 Benevento Way 78613 | N | Listing agent or broker representative | No license - infringement | n/a | n/a | n/a |
| 36 | 2717 Jorwoods Dr 78745 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 585 | 128 | yes |
| 37 | 2804 Wilson St 78704 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 38 | 3101 Candlelight Ct 78757 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 1755 | 132 | no |
| 39 | 3104 Candlelight Ct 78757 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis sale of personal home | n/a | n/a |
| 40 | 196 Crews Ln 78610 | N | Listing agent or broker representative | Listed by wife using new home marketing service On market MLS only and according to MLS rules regarding sales comparables | gratis | n/a | no |
| 41 | 3403 Deer Trl 78628 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 42 | 6604 Alberta Cv 78739 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |

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| Ref # | Subject Property | Stross listing | Submitted to ACTRIS by | Licensing terms (uses and length) | Fee | Invoice | Oral |
|-------|-------------------------------|----------------|--|---|--------------------------|---------|------|
| 43 | 7203 Wishing Well Dr 78745 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 1999 | 135 | n/a |
| 44 | 7505 Mifflin Kenedy Ter 78749 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 3885 | 132 | no |
| 45 | 7901 Coldstream Dr 78748 | Y | Jennifer Mehis or Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 46 | 8204 Fern Bluff Ave 78681 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 47 | 9923 Brightling Ln 78750 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | 112 | n/a |
| 48 | 14101 Willow Tank Dr 78717 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis for mutual friend | n/a | no |
| 49 | 12937 Zen Gardens Way 78732 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 50 | 512 Eberhart Ln 78745 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 51 | 2701 Inridge Dr 78745 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 52 | 3209 Oxsheer Dr 78732 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 53 | 12208 Rayo De Luna Ln 78732 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 54 | 13207 Tamayo Dr 78729 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 1999 | n/a | n/a |
| 55 | 1505 Murray Ln 78703 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | 123 | n/a |
| 56 | 2002 Robinhood Trl 78703 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 57 | 925 Heritage Oaks Bnd 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 58 | 925 Heritage Oaks Bnd 78633 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 300 | n/a | n/a |
| 59 | 1500 Laurel Oak Loop 78665 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 60 | 7726 Squirrel Hollow Dr 78628 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 61 | 13204 Calf Roping Trl 78727 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 2360 | n/a | n/a |
| 62 | 1250 E Creek Dr 78620 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 800 | 122 | n/a |
| 63 | 1250 E Creek Dr 78620 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 800 | 122 | yes |
| 64 | 1030 E Creek Dr 78620 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 800 | n/a | no |
| 65 | 1030 E Creek Dr 78620 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 800 | n/a | n/a |
| 66 | 19720 Diablo Dr 78660 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 1799 | n/a | n/a |
| 67 | 1389 Heep Run 78610 | N | listing agent or broker representative | Listed by wife using new home marketing service On market MLS only and according to MLS rules regarding sales comparables | gratis | n/a | yes |
| 68 | 9313 STONE MOUNTAIN DR 78645 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis | n/a | n/a |
| 69 | 5708 Brittlins Ct 78730 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 70 | 3903 Wharton Ct 78732 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 71 | 115 Enchanted Cv 78737 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 72 | 2715 Orsobello Pl 78613 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 73 | 107 Sunset Rdg 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 74 | 705 Heritage Oaks Bnd 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 75 | 2807 Adelen Ln 78664 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 76 | 1101 Fort Davis St 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 77 | 834 River Walk Trl 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 78 | 7602 Yaupon Dr 78759 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 79 | 111 Lost River Blvd 78628 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 80 | 920 River Walk Trl 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 81 | 12807 Coridan Dr 78727 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 82 | 9208 Bladen Springs Cv 78717 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 83 | 108 Roble Roja Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 84 | 100 Roble Roja Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 85 | 112 Standing Oak Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 86 | 104 Sand Hills Cv 78628 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 87 | 125 Silverado Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 88 | 1403 Redden Cv 78613 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 89 | 281 Silver Creek Dr 78641 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |

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| Ref # | Subject Property | Stross listing | Submitted to ACTRIS by | Licensing terms (uses and length) | Fee | Invoice | Oral |
|-------|--------------------------------|----------------|--|---|------------------------------|---------|------|
| 90 | 6000 Long Champ Ct 78746 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | 129 | n/a |
| 91 | 303 Four T Ranch Rd 78633 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | 111 | n/a |
| 92 | 100 Standing Oak Dr 78633 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | 119 | n/a |
| 93 | 533 Buena Vista Dr 78633 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 300 | 100 | n/a |
| 94 | 701 Highland Springs In 78633 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | n/a | n/a |
| 95 | 1215 E Creek Dr 78620 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | 121 | no |
| 96 | 1960 Hawthorne Loop 78619 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 300 | 102 | no |
| 97 | 270 Onion Creek Ranch Rd 78619 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 300 | 103 | no |
| 98 | 5618 Shoalwood Ave 78756 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 99 | 13200 Coletto Creek Trl 78732 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 100 | 13501 Coletto Creek Trl 78732 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | 113 | no |
| 101 | 513 Golden Bear Dr 78738 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 102 | 8504 Stillwood Ln 78757 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis sale of personal home | n/a | n/a |
| 103 | 9214 Hunters Trce E 78758 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis | n/a | no |
| 104 | 3005 Prado St 78702 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | gratis sale of personal home | n/a | n/a |
| 105 | 108 Sunset Rdg 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 106 | 211 Shady Elm 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 107 | 540 Buena Vista Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | yes |
| 108 | 15911 Rustic Ln 78717 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 109 | 1511 El Cielo 78641 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 110 | 1060 London Ln 78626 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 111 | 105 Canyon Oak Loop 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 112 | Undisclosed address 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 113 | 104 Roble Roja Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 114 | 1024 Lucinda Ter 78628 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 115 | 105 Roble Roja Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 116 | 103 Roble Roja Dr 78633 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 117 | Undisclosed address 78628 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 118 | 912 Windsor Hill Dr 78660 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 119 | 601 Brandon Way 78733 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | \$800.00 | 148 | n/a |
| 120 | 1900 Woodland Ave 78741 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | n/a |
| 121 | 901 Terrace Mountain Dr 78746 | N | listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 1082 | 14-003 | n/a |
| 122 | 107 Antigua Way 78738 | N | listing agent or broker representative | No license - infringement | n/a | n/a | no |
| 123 | 411 Bonaire Ct 78738 | N | listing agent or broker representative | No license - infringement | n/a | n/a | n/a |
| 124 | 616 Oakland Ave 78703 | Y | Alexander Stross | On market MLS only and according to MLS rules regarding sales comparables | gratis/self | n/a | no |
| 125 | 2211 E Windsor Rd 78703 | N | Listing agent or broker representative | On market MLS only and according to MLS rules regarding sales comparables | 500 | 130 | n/a |

Notes:

1. Source: Plaintiff Alexander Stross's Response to Defendant/Counterclaimant Redfin Corporation's First Set of Interrogatories, 8/4/15, Response to Interrogatory No. 6, p. 9, Exhibit A.

Exhibit 8: List of Buyer's Brokers for All 125 Subject Properties

| Redfin Property ID | MLS Number | Buyers Agent | Buyer's Brokerage |
|---------------------------|-------------------|---------------------|--------------------------------|
| 31121107 | 3890426 | Lu Ann Reyes | 98th Meridian |
| 32589314 | 6936004 | Carol Strickland | Amelia Bullock, REALTORS |
| 32581046 | 9734214 | Russell Tam | ASHLAUR REAL ESTATE |
| 40229351 | 8723357 | Peggy Goggans | Austin 360 Realty |
| 33729561 | 2160270 | Jacquelyn Krenek | Austin Area Properties |
| 33818853 | 4762392 | Jacquelyn Krenek | Austin Area Properties |
| 31565425 | 4729644 | Jacquelyn Krenek | Austin Area Properties |
| 33818853 | 6499784 | Jacquelyn Krenek | Austin Area Properties |
| 32898580 | 9017768 | Craig House | Austin Referral Realty, Inc. |
| 31464750 | 3156808 | Jason Crouch | Austin Texas Homes, LLC |
| 31782384 | 6594524 | Dwayne Gregory | Barton Harris Realty |
| 32967935 | 8230232 | Rina Peiffer | Bella Casa Realty |
| 32561095 | 4908226 | Christie Guess | Bella Casa Realty |
| 31240222 | 5997354 | Betty Boon | Betty Boon REALTORS |
| 31755530 | 7560977 | Mark Brock | Brock Real Estate, a PLR Co. |
| 32000260 | 2035461 | Crystal Guthrie | Cantera Real Estate |
| 31005348 | 8814042 | Heidi Binder | Cantera Real Estate |
| 32875031 | 6821138 | Angela George | Canyonwood Partners a PLR co |
| 33832137 | 4271711 | Kim Burke | Capital City Sotheby's Realty |
| 32000093 | 5946868 | Tae Kang | Casa Grande Realty, LLC |
| 32722183 | 4236635 | Steve Roberts | Central Metro Realty |
| 32581040 | 4766756 | Sheri Salley | Century 21 HSK & Associates |
| 32930690 | 4154655 | Mark Mayhew | Century 21 Randall Morris |
| 32000093 | 3927755 | Charles Rathgeber | Charles Rathgeber - Broker |
| 31497059 | 8594285 | Nancy LaBarbiera | Coldwell Banker United REALTOR |
| 32643797 | 3124418 | Cecilia Roberts | Coldwell Banker United REALTOR |

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| Redfin Property ID | MLS Number | Buyers Agent | Buyer's Brokerage |
|---------------------------|-------------------|---------------------|--------------------------------|
| 31320574 | 8549308 | Donna Wallace | Coldwell Banker United REALTOR |
| 32568976 | 3052476 | Robert Sedlor | Coldwell Banker United REALTOR |
| 32557736 | 4679001 | Sandra Nordhausen | Coldwell Banker United REALTOR |
| 31508765 | 2714867 | John Porter | Coldwell Banker United REALTOR |
| 31881313 | 7915547 | Jacquelyn Foreman | Coldwell Banker United REALTOR |
| 31832934 | 8649686 | Roxanne Escobedo | Coldwell Banker United REALTOR |
| 31989585 | 6489259 | Hanalei Myers | Coldwell Banker United REALTOR |
| 31005365 | 2709680 | Brian Conroy | Conroy Select Properties LLC |
| 34248609 | 5181765 | Lisa Billingsley | Crystal Falls Realty |
| 31761906 | 8417528 | Jessica Dodge | Dodge Team Properties / PLR |
| 40273559 | 8030939 | Shelley Amidon | Dynamic Texas Realty |
| 40280094 | 8732579 | Samantha Soletti | Eanes Properties, Inc. |
| 30993632 | 5671354 | Edie Finch | Edie Finch Properties |
| 32898580 | 7923337 | Beth Anderson | Erard & Associates |
| 32581040 | 3732225 | Candi Smith | Goldwasser Real Estate |
| 32513798 | 4875988 | Charles McLagan | Goldwasser Real Estate |
| 31236240 | 3869309 | Anne Giles | Gottesman Residential R.E. |
| 31240222 | 7007224 | Megan Gattis | Gottesman Residential R.E. |
| 31225844 | 9143213 | Stephanie Panozzo | Gottesman Residential R.E. |
| 32725719 | 9313962 | Gregory Weber | Greg Weber, Realtors |
| 31881313 | 8825087 | Maureen Martin | Greg Weber, Realtors |
| 32568976 | 3318624 | Joshua Herrington | HD Realty |
| 31304049 | 2913115 | Deborah Trominski | Hindsite 20/20 Real Estate Inv |
| 31893465 | 9025230 | Janet Murdock | J.B. Goodwin, REALTORS |
| 31256018 | 7933654 | Gay Puckett | J.B. Goodwin, REALTORS |
| 31799250 | 9637547 | Siobhan McKillop | J.B. Goodwin, REALTORS |
| 32898216 | 8896249 | Barbara McLaughlin | J.B. Goodwin, REALTORS |
| 31805898 | 2215966 | Ashley Vavasour | J.B. Goodwin, REALTORS |

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| Redfin Property ID | MLS Number | Buyers Agent | Buyer's Brokerage |
|--------------------|------------|-------------------|-------------------------------|
| 31298382 | 8812963 | Rafe Jackson | Jackson Properties |
| 32658426 | 9521583 | George Walter | Keller Williams - Lake Travis |
| 32930690 | 7739157 | Andrew Brown | Keller Williams - Lake Travis |
| 30957823 | 7457618 | George Johnson | Keller Williams Realty |
| 31718658 | 3754340 | Pavla Jirasek | Keller Williams Realty |
| 32581038 | 4449534 | Erik Wilson | Keller Williams Realty |
| 31491504 | 8118794 | Julie Delgado | Keller Williams Realty |
| 30992011 | 4252333 | David Brodsky | Keller Williams Realty |
| 32606379 | 3949628 | Lena Lansdale | Keller Williams Realty |
| 32589314 | 5823056 | Robert Kauffman | Keller Williams Realty |
| 32966183 | 8744793 | Megan Turnipseed | Keller Williams Realty |
| 45452138 | 6138494 | Sharman Reed | Keller Williams Realty |
| 32561095 | 6591544 | Kimberly Whitlock | Keller Williams Realty-RR |
| 31005348 | 9474499 | Gwen Owens | Keller Williams Realty-RR |
| 31230950 | 5249288 | Jon Luce | Luce Properties |
| 32581032 | 3885426 | Edward Lui | Mars Hill Realty Group |
| 31687695 | 5892149 | Starr McAllister | McAllister And Associates |
| 31248160 | 7955397 | Cord Shiflet | Moreland Properties |
| 31005365 | 9862515 | Sue Beal | Moreland Properties |
| 31230990 | 6175417 | Kim Collins | Moreland Properties |
| 32645909 | 5242464 | Alexander Stross | MSI Urban Realty |
| 32648060 | 5855735 | Alexander Stross | MSI Urban Realty |
| 32646020 | 3987826 | Alexander Stross | MSI Urban Realty |
| 32660702 | 7063397 | Alexander Stross | MSI Urban Realty |
| 34246653 | 2326068 | Alexander Stross | MSI Urban Realty |
| 32606286 | 6180802 | Alexander Stross | MSI Urban Realty |
| 32568975 | 6059218 | Alexander Stross | MSI Urban Realty |
| 31475930 | 8662238 | Alexander Stross | MSI Urban Realty |

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|--------------------|------------|-------------------|--------------------------------|
| 31464750 | 2153254 | Alexander Stross | MSI Urban Realty |
| 31071780 | 4139219 | Alexander Stross | MSI Urban Realty |
| 32650074 | 3040093 | Alexander Stross | MSI Urban Realty |
| 31368225 | 7372781 | Melvin Alexander | Paradigm Endeavors, LLC |
| 31368225 | 8770570 | Melvin Alexander | Paradigm Endeavors, LLC |
| 31475930 | 2510815 | Pat Beauchamp | Pat Beauchamp |
| 32648013 | 1184872 | George DeVillar | Paula Thomas Real Estate Group |
| 32650068 | 2349545 | Paula Thomas | Paula Thomas Real Estate Group |
| 40450189 | 8656059 | Mark Miller | Private Label Realty |
| 31998154 | 9643612 | Todd Hower | Private Label Realty |
| 31883998 | 3734130 | Fara Kosari | Private Label Realty |
| 31572294 | 6049844 | Chuck Farr | Prudential Texas Realty |
| 31368225 | 9865263 | Dave Bair | Prudential Texas Realty |
| 30992011 | 4963051 | Jack Stanley | RE/MAX 1 |
| 31761916 | 3151841 | Craig Noling | RE/MAX Austin Skyline |
| 32639122 | 1101183 | Brandon Martinez | RE/MAX Austin Skyline |
| 31437121 | 9676255 | Steve Heagerty | RE/MAX Capital City III |
| 33718834 | 4169772 | Megan Jarrard | RE/MAX Capital City III |
| 32627125 | 5823651 | Ashly Wilson | RE/MAX Centx Assoc. |
| 32930690 | 5638139 | Nicole Henry | RE/MAX Town & Country |
| 31500445 | 6901453 | Jennifer Mehis | Realty Austin |
| 31071780 | 5188502 | Marcia Kim | Realty Austin |
| 31491356 | 4461669 | Shari Chambers | Realty Austin |
| 34248609 | 2554246 | MaryAnn Valentino | Realty Austin |
| 33936625 | 9333592 | Brendan Doherty | Realty Austin |
| 31832934 | 8496114 | Sonny Bara | Realty Austin |
| 33936625 | 4142272 | Brendan Doherty | Realty Austin |
| 31500445 | 3731969 | Jennifer Mehis | Realty Austin |

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| Redfin Property ID | MLS Number | Buyers Agent | Buyer's Brokerage |
|---------------------------|-------------------|-----------------------------|------------------------------|
| 31505706 | 7134578 | Marcia Kim | Realty Austin |
| 31508762 | 2239882 | Winona Barron | Realty Austin |
| 32811894 | 3715920 | Allison Olson | Realty Austin |
| 31725177 | 3978315 | Debbie Novelli | Realty Austin |
| 31491356 | 8799267 | Jennifer Mehis | Realty Austin |
| 40106410 | 5937267 | Brian Talley | Regent Property Group, LLC |
| 32650074 | 8037426 | Michael Reilly | Reilly, REALTORS |
| 33734188 | 8097134 | Robin Britt | Reilly, REALTORS |
| 31881646 | 9145347 | Chet Smith | Reilly, REALTORS |
| 31799250 | 8485476 | San Juanita Schafer | Reilly, REALTORS |
| 31005108 | 7013642 | Sheila Hilts | Sheila T. Hilts |
| 33832137 | 3831762 | Douglas Stewart | Stewart's Fine Properties |
| 31627313 | 2935848 | Mark Strub | STRUB RESIDENTIAL |
| 31627313 | 2482669 | Mark Strub | STRUB RESIDENTIAL |
| 32513798 | 4401653 | Jared West | Team West Real Estate |
| 32643797 | 9666973 | April Flores | TexHomes Realty |
| 31480296 | 8057880 | Scott Turner | Turner Residential |
| 31881313 | 6513581 | Kathryn Scarborough Bechtol | Turnquist Partners, REALTORS |
| 31508762 | 4205362 | Dayna Tyler | Tyler Properties |
| 31791079 | 3162476 | Jan Jordan | Underwood Investments |
| 31329675 | 9311061 | Ash Goyal | Underwood Investments |
| 32838278 | 9643481 | Melanie McNearney | Vox Real Estate, LLC |
| 32914144 | 2207434 | Rhoda Sween | Vox Real Estate, LLC |
| 32568976 | 8264985 | Jarrold Weaver | X3 REALTY |
| 31500445 | 8920250 | Steve York | York Real Estate Services |
| 40280094 | 4396416 | James Chapa | ZipRealty |
| 32898580 | 8504104 | Sharon Fagan | ZipRealty |
| 31005348 | 3904676 | Robert Zoch | Zoch Realty |

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|---------------------------|-------------------|---------------------|--------------------------|
| 32627107 | 6815247 | Non Member | |
| 32656627 | 2302552 | Non Member | |
| 31124364 | 6252518 | Non Member | |
| 31761906 | 8042157 | Non Member | |
| 40107152 | 7654482 | Non Member | |
| 31230950 | 2370919 | Non Member | |
| 32669780 | 3320797 | Non Member | |
| 32656631 | 9923678 | Non Member | |
| 32650065 | 9445377 | Non Member | |
| 32669705 | 3028542 | Non Member | |
| 32650068 | 2771942 | Non Member | |
| 32639122 | 4854942 | Non Member | |
| 32660416 | 6945898 | Non Member | |

Notes:

1. Source: Listing Buyers Agent Report.xlsx [REDFIN019887]